IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 03.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.342 of 2006

S.Poochi Ammal .. Petitioner

Vs.

1. The State of Tamil Nadu, rep. by its
   Secretary to Government,
   Prohibition and Excise Department,
   Fort St. George, Chennai-9.

2. The District Collector and
   District Magistrate,
   Kancheepuram District. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records leading to the detention of the petitioner's husband by name Sekar @ Settu @ Nondi Settu under Act 14/82 vide detention order dated 18.03.2006 on the file of the second respondent herein, made in proceedings BDFGISV No.15/2006, quash the same and direct the respondents herein to produce the body and person of the said detenu before this Court and set him at liberty from Central Prison, Vellore.

For Petitioner : Mr.V.Parthiban
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is the wife of the detenu by name Sekar @ Settu @ Nondi Settu, who is detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 18.03.2006, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there is enormous delay in disposal of the representations of the detenu dated 27.03.2006 and 23.04.2006, which vitiates the ultimate order of detention. In respect of the same, we verified the particulars furnished by the learned Additional Public Prosecutor. In so far as the representation of the detenu dated 27.03.2006, the same was received by the Government on 28.03.2006 and remarks were called for on 29.03.2006 and the remarks were received by the Government on 05.04.2006 and the File was submitted on 06.04.2006 and the same was dealt with by the Under Secretary and Deputy Secretary on the same day i.e. on 06.04.2006 and finally, the Minister for Prohibition and Excise passed orders on 07.04.2006. The rejection letter was prepared on 10.04.2006 and the same was sent to the detenu on 12.04.2006 and served to him on 15.04.2006. The above details show that there is no let up or undue delay as claimed by the learned counsel for the petitioner.

4. Coming to the second representation dated 23.04.2006, it was received by the Government on 27.04.2006 and remarks were called for on 28.04.2006 and the remarks were received by the Government on 05.05.2006 and the File was submitted on 09.05.2006 and the same was dealt with by the Under Secretary on 22.05.2006 and by the Deputy Secretary on 23.05.2006 and finally, the Minister for Prohibition and Excise passed orders on the same day i.e. on 23.05.2006. The rejection letter was also prepared on the same day i.e. on 23.05.2006 and the same was sent to the detenu on 25.05.2006 and served to him on 27.05.2006. No doubt, after receipt of the remarks on 05.05.2006, the file was dealt with by the Under Secretary only on 22.05.2006. However as rightly pointed out by the learned Additional Public Prosecutor, the second representation, which was received by the Government on 27.04.2006, does not contain any fresh material. On the other hand, the first representation, which was received by the Government on 28.03.2006, was sent by counsel for the detenu with all details. Accordingly, even though there was delay between columns 5 and 7 in so far as the second representation, in view of the fact that no additional material has been putforth in the second representation and the same has been considered and rejected, we are of the view that no prejudice is caused to the detenu. Accordingly, we are unable to accept the first contention raised by the learned counsel for the petitioner.

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5. The learned counsel for the petitioner next submitted that certain relevant documents have not been furnished and the documents supplied are not legible and readable. In paragraphs 13 and 14 of the counter affidavit, the second respondent/District Magistrate and District Collector, Kancheepuram, has stated that the Tamil translated copies of pages Nos.175 and 177 have been sent to the detenu through the Superintendent, Central Prison, Vellore on 04.04.2006. In paragraph 14 it is stated that as sought for in the representation dated 27.03.2006, clear copies of pages 31 and 51 and copies of FIR pages 69, 77 and 87 have been furnished with correct details to the detenu by the detaining authority in his letter dated 04.04.2006. In view of the above information, we find no substance in the second contention also.

6. Except the above mentioned contentions, no other contention has been putforth before us. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The District Collector and District Magistrate, Kancheepuram District.

3.The Superintendent, Central Prison, Vellore.
(In duplicate for communication to detenu)

4.The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5.The Public Prosecutor, High Court, Madras.

AK (CO)/RSM/11.7.2006

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